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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

**NOTICE OF AGENDA FOR MATTERS SCHEDULED
FOR HEARING ON SEPTEMBER 15, 2021 AT 10:00 A.M.**

UNCONTESTED MATTERS

1. **08-01789; SIPC v. BLMIS**

- A. Status Report on SIPA Liquidation Proceeding and Related Adversary Proceedings Pending Before the Honorable Cecelia G. Morris for the matters set forth on the attached Exhibit A.

Status: This matter is going forward.

CONTESTED MATTERS

1. **10-04539; Picard v. The Gerald and Barbara Keller Family Trust, et al.**
 - A. Trustee's Memorandum of Law in Support of Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 7/22/2021) [ECF No. 100]
 - B. Trustee's Statement of Material Facts in Support of Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 7/22/2021) [ECF No. 101]
 - C. Declaration of Nicholas J. Cremona in Support of Trustee's Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed 7/22/2021) [ECF No. 102]
 - D. Declaration of Lisa M. Collura, CPA, CFE, CFF filed by Nicholas Cremona on behalf of Irving H. Picard (Filed 7/22/2021) [ECF No. 103]
 - E. Declaration of Bruce G. Dubinsky, MST, CPA, CFE, CVA, CFF, CAMS, MAFF filed by Nicholas Cremona on behalf of Irving H. Picard (Filed 7/22/2021) [ECF No. 104]
 - F. Declaration of Matthew B. Greenblatt, CPA/CFF, CFE filed by Nicholas Cremona on behalf of Irving H. Picard (Filed 7/22/2021) [ECF No. 105]

Opposition Due: August 18, 2021

Opposition Filed:

- G. Defendant's Memorandum of Law in Opposition to Trustee's Motion for Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment filed by Helen Davis Chaitman on behalf of Barbara Keller, Gerald E. Keller, The Gerald and Barbara Keller Family Trust (Filed: 8/17/2021) [ECF No. 111]
- H. Defendants' Opposition and Response to Trustee's Statement of Material Facts filed by Helen Davis Chaitman on behalf of Barbara Keller, Gerald E. Keller, The Gerald and Barbara Keller Family Trust (Filed: 8/17/2021) [ECF No. 112]
- I. Defendants' Counterstatement of Material Facts in Opposition to the Trustee's Motion for Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment Dismissing the Complaint filed by Helen Davis Chaitman on

behalf of Barbara Keller, Gerald E. Keller, The Gerald and Barbara Keller Family Trust (Filed: 8/17/2021) [ECF No. 113]

- J. Declaration of Gerald Keller in Support of Defendants' Cross-Motion to Dismiss the Complaint filed by Helen Davis Chaitman on behalf of Barbara Keller, Gerald E. Keller, The Gerald and Barbara Keller Family Trust (Filed: 8/17/2021) [ECF No. 114]
- K. Declaration of Helen Davis Chaitman in Opposition to the Trustee's Motion for Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment Dismissing the Complaint for Lack of Subject Matter Jurisdiction filed by Helen Davis Chaitman on behalf of Barbara Keller, Gerald E. Keller, The Gerald and Barbara Keller Family Trust (Filed: 8/17/2021) [ECF No. 115]

Replies Due: September 1, 2021

Replies Filed:

- L. Trustee's Reply Memorandum of Law in Further Support of Motion for Summary Judgment and Opposition to Defendants' Cross-Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 9/1/2021) [ECF No. 119]
- M. Trustee's Responses and Objections to Defendants' Counterstatement of Material Facts filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 9/1/2021) [ECF No. 120]
- N. Declaration of Seanna R. Brown in Further Support of Trustee's Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 9/1/2021) [ECF No. 121]

Related Documents:

- O. Notice of Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 7/22/2021) [ECF No. 99]
- P. Letter to the Honorable Cecelia G. Morris regarding extension of briefing schedule filed by Helen Davis Chaitman on behalf of Barbara Keller, Gerald E. Keller, The Gerald and Barbara Keller Family Trust (Filed: 7/29/2021) [ECF No. 107]
- Q. Order granting the request in the letter filed by Helen Davis Chaitman on behalf of Barbara Keller, Gerald E. Keller, The Gerald and Barbara Keller Family Trust as Docket #107. So Ordered. /s/ Cecelia G. Morris. (Entered: 7/29/2021) [ECF No. 108]

- R. Notice of Defendant's Cross-Motion for Summary Judgment Helen Davis Chaitman on behalf of Barbara Keller, Gerald E. Keller, The Gerald and Barbara Keller Family Trust (Filed: 8/17/2021) [ECF No. 110]
- S. Notice of Adjournment of Hearing Re: Motion for Summary Judgment /Notice of Trustee's Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff; hearing not held and adjourned to 9/15/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM) (Ashmeade, Vanessa). (Entered: 08/19/2021) [ECF No. 117]
- T. Securities Investor Protection Corporation's Memorandum of Law in Support of Trustee's Motion for Summary Judgment and in Support of the Trustee's Opposition to Defendants' Cross-Motion for Summary Judgment filed by Kenneth Caputo on behalf of SIPC (Filed: 9/1/2021) [ECF No. 122]

Status: This matter is going forward.

2. **20-01316; Picard v. Rafael Mayer, et al.**

- A. Defendant Khronos Liquid Opportunities Fund, Ltd.'s Memorandum of Law in Support of its Motion to Dismiss filed by Daniel Stuart Alter on behalf of Khronos Liquid Opportunities Fund Ltd. (Filed: 3/2/2021) [ECF No. 18]
- B. Declaration of Daniel S. Alter filed by Daniel Stuart Alter on behalf of Khronos Liquid Opportunities Fund Ltd. (Filed: 3/2/2021) [ECF No. 19]
- C. Declaration of Rafael Mayer filed by Daniel Stuart Alter on behalf of Khronos Liquid Opportunities Fund Ltd. (Filed: 3/2/2021) [ECF No. 20]

Objections Due: May 4, 2021

Objections Filed:

- D. Trustee's Memorandum of Law in Opposition to Khronos Liquid Opportunities Fund, Ltd.'s Motion to Dismiss filed by Oren Warshavsky on behalf of Irving Picard (Filed: 5/4/2021) [ECF No. 44]
- E. Declaration of Oren J. Warshavsky In Support of the Trustee's Memorandum of Law in Opposition to Khronos Liquid Opportunities Fund, Ltd.'s Motion to Dismiss filed by Oren Warshavsky on behalf of Irving Picard (Filed: 5/4/2021) [ECF No. 45]

Replies Due: June 15, 2021

Replies Filed:

- F. Defendant Khronos Liquid Opportunities Fund, Ltd.'s Reply Memorandum of Law in Support of its Motion to Dismiss filed by Daniel Stuart Alter on behalf of Khronos Liquid Opportunities Fund Ltd. (Filed: 6/15/2021) [ECF No. 49]
- G. Reply Declaration of Rafael Mayer filed by Daniel Stuart Alter on behalf of Khronos Liquid Opportunities Fund Ltd. (Filed: 6/15/2021) [ECF No. 50]

Related Documents:

- H. So Ordered Stipulation and Consent Order signed on 1/22/2021. (Barrett, Chantel) (Entered: 01/22/2021) [ECF No. 5]
- I. Khronos Liquid Opportunities Fund, Ltd.'s Notice of Motion to Dismiss the Complaint Under Bankruptcy Rule 7012(b) and Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) filed by Daniel Stuart Alter on behalf of Khronos Liquid Opportunities Fund Ltd. (Filed: 3/2/2021) [ECF No. 17]
- J. Stipulation and Order signed on 5/25/2021. (DuBois, Linda) (Entered: 05/25/2021) [ECF No. 48]
- K. Notice of Adjournment of Hearing RE: Motion to Dismiss Party filed by Daniel Stuart Alter on behalf of Khronos Liquid Opportunities Fund Ltd.; Hearing not held and adjourned to 7/28/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM) (Ashmeade, Vanessa). (Entered: 06/16/2021) [ECF No. 54]
- L. Letter to the Honorable Cecelia G. Morris re: July 28, 2021 hearing on Defendants' Motions to Dismiss filed by Oren Warshavsky on behalf of Irving Picard (Filed: 7/21/2021) [ECF No. 64]
- M. Letter filed by Daniel Stuart Alter on behalf of Khronos Liquid Opportunities Fund LTD (Filed: 7/23/2021) [ECF No. 67]
- N. ORDER: The Trustees request to adjourn the pending Motions to Dismiss is GRANTED. The hearing shall be held on September 15, 2021 at 10:00 AM So Ordered. /s/ Cecelia G. Morris. (Fredericks, Frances). (Entered: 07/27/2021) [ECF No. 72]
- O. Notice of Adjournment of Hearing re: Motion to Dismiss Party filed by Daniel Stuart Alter on behalf of KHRONOS LIQUID OPPORTUNITIES FUND LTD (related document(s)17); hearing not held and adjourned to 9/15/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM) (DuBois, Linda). (Entered: 07/30/2021) [ECF No. 73]

Status: This matter is going forward.

3. **20-01316; Picard v. Rafael Mayer, et al.**

- A. Rafael Mayer's Memorandum of Law in Support of His Motion to Dismiss the Complaint Under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) filed by Eric Fisher on behalf of Rafael Mayer (Filed: 3/2/2021) [ECF No. 22]
- B. Declaration of Alexander Potts QC in Support of Individual Defendants' Motions to Dismiss filed by Eric Fisher on behalf of Rafael Mayer (Filed: 3/2/2021) [ECF No. 23]

Objections Due: May 4, 2021

Objections Filed:

- C. Trustee's Memorandum of Law in Opposition to Motions to Dismiss by Rafael Mayer and David Mayer filed by Oren Warshavsky on behalf of Irving Picard (Filed: 5/4/2021) [ECF No. 42]
- D. Declaration of Jason S. Oliver In Support of the Trustee's Memorandum of Law in Opposition to the Motions to Dismiss filed by Defendants Rafael Mayer and David Mayer filed by Oren Warshavsky on behalf of Irving Picard (Filed: 5/4/2021) [ECF No. 43]

Replies Due: June 15, 2021

Replies Filed:

- E. Rafael Mayer's Reply Memorandum of Law in Further Support of His Motion to Dismiss the Complaint filed by Eric Fisher on behalf of Rafael Mayer (Filed: 6/15/2021) [ECF No. 52]

Related Documents:

- F. So Ordered Stipulation and Consent Order signed on 1/22/2021. (Barrett, Chantel) (Entered: 01/22/2021) [ECF No. 5]
- G. Rafael Mayer's Notice of Motion to Dismiss the Complaint Under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) filed by Eric Fisher on behalf of Rafael Mayer (Filed: 3/2/2021) [ECF No. 21]
- H. Stipulation and Order signed on 5/25/2021. (DuBois, Linda) (Entered: 05/25/2021) [ECF No. 48]

- I. Notice of Adjournment of Hearing RE: Motion to Dismiss Party/Rafael Mayer filed by Eric Fisher on behalf of Rafael Mayer; hearing not held and adjourned to 7/28/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM) (Ashmeade, Vanessa). (Entered: 06/16/2021) [ECF No. 57]
- J. Letter to the Honorable Cecelia G. Morris re: July 28, 2021 hearing on Defendants' Motions to Dismiss filed by Oren Warshavsky on behalf of Irving Picard (Filed: 7/21/2021) [ECF No. 64]
- K. Letter to the Honorable Cecelia G. Morris re: Trustee's July 21, 2021 letter filed by Eric Fisher on behalf of Rafael Mayer (Filed: 7/23/2021) [ECF No. 66]
- L. ORDER: The Trustees request to adjourn the pending Motions to Dismiss is GRANTED. The hearing shall be held on September 15, 2021 at 10:00 AM So Ordered. /s/ Cecelia G. Morris. (Fredericks, Frances). (Entered: 07/27/2021) [ECF No. 72]
- M. Notice of Adjournment of Hearing re: Motion to Dismiss Party / Rafael Mayer filed by Eric Fisher on behalf of Rafael Mayer (related document(s)21); hearing not held and adjourned to 9/15/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM) (DuBois, Linda). (Entered: 07/30/2021) [ECF No. 74]

Status: This matter is going forward.

4. **20-01316; Picard v. Rafael Mayer, et al.**

- A. Defendant David Mayer's Memorandum of Law in Support of Motion to Dismiss the Complaint filed by Matthew M. Graham on behalf of David Mayer (Filed: 3/2/2021) [ECF No. 26]
- B. Declaration of Alexander Potts QC in Support of Individual Defendants' Motions to Dismiss filed by filed by Matthew M. Graham on behalf of David Mayer (Filed: 3/2/2021) [ECF No. 26-1]

Objections Due: May 4, 2021

Objections Filed:

- C. Trustee's Memorandum of Law in Opposition to Motions to Dismiss by Rafael Mayer and David Mayer filed by Oren Warshavsky on behalf of Irving Picard (Filed: 5/4/2021) [ECF No. 42]
- D. Declaration of Jason S. Oliver In Support of the Trustee's Memorandum of Law in Opposition to the Motions to Dismiss filed by Defendants Rafael Mayer and David Mayer filed by Oren Warshavsky on behalf of Irving Picard (Filed: 5/4/2021) [ECF No. 43]

Replies Due: June 15, 2021

Replies Filed:

- E. Defendant David Mayer's Reply Memorandum of Law in Further Support of Motion to Dismiss the Complaint filed by Matthew M. Graham on behalf of David Mayer (Filed: 6/15/2021) [ECF No. 53]

Related Documents:

- F. So Ordered Stipulation and Consent Order signed on 1/22/2021. (Barrett, Chantel) (Entered: 01/22/2021) [ECF No. 5]
- G. David Mayer's Notice of Motion to Dismiss the Complaint Under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) filed by Matthew M. Graham on behalf of David Mayer (Filed: 3/2/2021) [ECF No. 25]
- H. Stipulation and Order signed on 5/25/2021. (DuBois, Linda) (Entered: 05/25/2021) [ECF No. 48]
- I. Notice of Adjournment of Hearing RE: Motion to Dismiss Adversary Proceeding filed by Matthew M. Graham on behalf of David Mayer; hearing not held and adjourned to 7/28/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM) (Ashmeade, Vanessa). (Entered: 06/16/2021) [ECF No. 55]
- J. Letter to the Honorable Cecelia G. Morris re: July 28, 2021 hearing on Defendants' Motions to Dismiss filed by Oren Warshavsky on behalf of Irving Picard (Filed: 7/21/2021) [ECF No. 64]
- K. Letter to the Honorable Cecelia G. Morris re: Trustee's July 21, 2021 letter filed by Eugene Ernest Stearns on behalf of David Mayer (Filed: 7/23/2021) [ECF No. 69]
- L. ORDER: The Trustees request to adjourn the pending Motions to Dismiss is GRANTED. The hearing shall be held on September 15, 2021 at 10:00 AM So Ordered. /s/ Cecelia G. Morris. (Fredericks, Frances). (Entered: 07/27/2021) [ECF No. 72]
- M. Notice of Adjournment of Hearing re: Motion to Dismiss Adversary Proceeding filed by Matthew M. Graham on behalf of David Mayer (related document(s)25); hearing not held and adjourned to 9/15/2021 at 10:00 AM at Videoconference (ZoomGov) (CGM) (DuBois, Linda). (Entered: 07/30/2021) [ECF No. 76]

Status: This matter is going forward.

Dated: September 10, 2021
New York, New York

Respectfully submitted,

/s/ Nicholas J. Cremona

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*Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
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